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6 **UNITED STATES DISTRICT COURT**

7 **DISTRICT OF NEVADA**

8 UNITED STATES OF AMERICA,

9 Plaintiff,

10 vs.

11 BRIAN D. CAVALIER,

12 Defendant.

CASE NO.: 2:16-cr-00046-GMN-PAL

**STIPULATION TO CONTINUE
SENTENCING HEARING**

(Third Request)

13
14 IT IS HEREBY STIPULATED AND AGREED, by and between the United States, by
15 and through the undersigned, and Mace J. Yampolsky, Esq., counsel for Defendant Brian D.
16 Cavalier that the Defendant's sentencing hearing, currently scheduled for September 6, 2018, at
17 the hour of 10:00 a.m., be continued for a period of ninety (90) days, or to a date and time
18 convenient to the Court.

19 This stipulation is entered for the following reasons:

- 20 1. Defendant is employed by Pearce Landscaping in Surprise, Arizona. Due to the
21 severity of the monsoon season this year, the Defendant is working 8+ hours a day
22 five to six days per week. Defendant fears he may lose his job if he asks for any time
23 off at this time.
- 24 2. In addition, Defendant has already asked for time off as he needs to assist his mother
25 as she is having surgery on August 28, 2018.
- 26 3. The Defendant is not in custody and does not object to a continuance.
- 27 4. Additionally, denial of this request for continuance could result in a miscarriage of
28 justice.

1 5. This is the third request for a continuance filed herein.

2 WHEREFORE, the parties respectfully request that the Court accept the Stipulation and
3 enter an Order as set forth below continuing the sentencing of Defendant Cavalier for a period of
4 ninety (90) days.

5 DATED this 23rd day of August, 2018.

6 DAYLE ELIESON, United States Attorney

MACE J. YAMPOLSKY, LTD.

7 /s/ Daniel R. Schiess

/s/ Mace J. Yampolsky

8 Daniel R. Schiess
9 Assistant United States Attorney

Mace J. Yampolsky, Esq.
Counsel for Defendant Cavalier

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6 **UNITED STATES DISTRICT COURT**

7 **DISTRICT OF NEVADA**

8 UNITED STATES OF AMERICA,

CASE NO.: 2:16-cr-00046-GMN-PAL

9 Plaintiff,

10 vs.

11 BRIAN D. CAVALIER,

**ORDER ON STIPULATION TO
CONTINUE SENTENCING HEARING**

12 Defendant.

13
14 This matter coming before the Court on the Stipulation to Continue Sentencing Hearing,
15 the Court having considered the matter and good cause showing, the Court accepts the
16 Stipulation.

17 WHERE, IT IS HEREBY ORDERED that the sentencing hearing, currently scheduled
18 for September 6, 2018 at the hour of 10:00 a.m. shall be continued until December 13, 2018, at
19 11:00 a.m. in Courtroom 7D before Chief Judge Gloria M. Navarro

20
21 
UNITED STATES DISTRICT JUDGE
22 DATED: August 29, 2018